

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/9/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WENDELL BELLE,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

23-CV-9697 (VEC)

15-CR-0537-3 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Mr. Belle filed a Motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 on October 26, 2023 (“2255 Petition”), *see* Dkt. 1852;

WHEREAS the Court ordered that the 2255 Petition should not be summarily dismissed and ordered the Government to respond within 60 days, *see* Dkt. 1853; and

WHEREAS the Government filed its response on January 3, 2024, requesting that the Court’s consideration of the 2255 Petition be stayed.

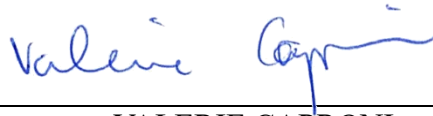
IT IS HEREBY ORDERED that Mr. Belle’s 2255 Petition is STAYED pending further actions as set forth below.

IT IS FURTHER ORDERED that Mr. Belle is directed to file a motion to recall the Mandate issued by the Second Circuit on September 9, 2022 (the “Mandate”), consistent with the procedures set forth in *Taylor v. United States*, 822 F.3d 84 (2d Cir. 2016). If Mr. Belle’s motion to recall the Mandate is granted and his petition for rehearing and/or certiorari is unsuccessful, he will need to file a new Motion pursuant to 28 U.S.C. § 2255. If his motion to recall the Mandate is denied, the Court will lift the stay on his 2255 Petition.

The Clerk of Court is directed to mail a copy of this order to Mr. Belle.

SO ORDERED.

Dated: January 9, 2024
New York, New York

A handwritten signature in blue ink, reading "Valerie Caproni", is positioned above a horizontal line.

VALERIE CAPRONI
United States District Judge